

ASSEMBLY BILL

No. 1217

Introduced by Assembly Member Wyland

February 22, 2005

An act to amend Section 51933 of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, as introduced, Wyland. Sexual health and HIV/AIDS prevention education.

The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. The act requires comprehensive sexual health education to teach respect for marriage and committed relationships, and to teach the value of abstinence.

This bill would, in addition, require comprehensive sexual health education to provide instruction and materials on sex outside of marriage, and on refraining from making and accepting unwanted physical and verbal sexual advances.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51933 of the Education Code is
2 amended to read:

1 51933. (a) ~~School districts~~ *A school district* may provide
2 comprehensive sexual health education, consisting of
3 age-appropriate instruction, in ~~any kindergarten to grade~~
4 *kindergarten and grades 1 to 12*, inclusive, using instructors
5 trained in the appropriate courses.

6 (b) A school district that elects to offer comprehensive sexual
7 health education pursuant to subdivision (a), whether taught by
8 school district personnel or outside consultants, shall satisfy all
9 of the following criteria:

10 (1) Instruction and materials shall be age appropriate.

11 (2) All factual information presented shall be medically
12 accurate and objective.

13 (3) Instruction shall be made available on an equal basis to a
14 pupil who is an English learner, consistent with the existing
15 curriculum and alternative options for an English learner pupil as
16 otherwise provided in this code.

17 (4) Instruction and materials shall be appropriate for use with
18 pupils of all races, genders, sexual orientations, ethnic and
19 cultural backgrounds, and pupils with disabilities.

20 (5) Instruction and materials shall be accessible to pupils with
21 disabilities, including, ~~but not limited to~~, the provision of a
22 modified curriculum, materials and instruction in alternative
23 formats, and auxiliary aids.

24 (6) Instruction and materials shall encourage a pupil to
25 communicate with his or her parents or guardians about human
26 sexuality.

27 (7) Instruction and materials shall teach respect for marriage
28 and committed relationships. *With regard to marriage,*
29 *instruction and materials shall include all of the following:*

30 (A) *Emphasis that a person should abstain from sexual*
31 *intercourse until he or she is ready for marriage.*

32 (B) *Discussion of possible emotional and psychological*
33 *consequences of adolescent sex and unwanted adolescent*
34 *pregnancy, outside of marriage.*

35 (C) *Discussion of the financial responsibility of a person to a*
36 *child born outside of marriage.*

37 (D) *Advice that it is unlawful for a person to have sexual*
38 *intercourse with another person under 18 years of age to whom*
39 *that person is not married.*

(8) Commencing in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.

(9) Commencing in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.

(10) Commencing in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.

(11) (A) Commencing in grade 7, instruction and materials shall provide pupils with skills for making and implementing responsible decisions about sexuality.

(B) *Instruction and materials shall teach pupils to refrain from making and accepting unwanted physical and verbal sexual advances.*

(12) Commencing in grade 7, instruction and materials shall provide pupils with information on the law on surrendering physical custody of a minor child 72 hours or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(c) A school district that elects to offer comprehensive sexual health education pursuant to subdivision (a) earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (8) to (12), inclusive, of subdivision (b).

(d) If a school district elects to offer comprehensive sexual health education pursuant to subdivision (a), whether taught by school district personnel or outside consultants, the school district shall comply with the following:

- 1 (1) Instruction and materials may not teach or promote
- 2 religious doctrine.
- 3 (2) Instruction and materials may not reflect or promote bias
- 4 against any person on the basis of any category protected by
- 5 Section 220.